

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Examiner: Davis, Minh T.
Ming-Fong Lin) Art Unit: 1642
Serial No. 09/919,196)
Filed: July 31, 2001)
For: "Novel Prostate Cancer)
Cell Lines")

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March 26, 2004
Date

RESPONSE TO TELEPHONIC INTERVIEW WITH EXAMINER
UNDER 37 C.F.R. §1.111

*Official
this
03/29/04*

In response to a telephonic interview with the Examiner on January 26, 2004, Applicant submits the following remarks in connection with the above-identified application. Applicant maintains that 1) there is no explicit requirement under 37 C.F.R. §§1.803-1.809 for the submission of an affidavit or declaration as requested by the Examiner, and 2) the copies of the Budapest Treaty deposit forms, submitted by Applicant as pages A5-A8 of Exhibit A on July 28, 2003, satisfy the requirements under 37 C.F.R. §§1.808(a) and are of record in the above-identified application.

However, in order to be fully responsive to the Examiner's request, the undersigned hereby declares that 1) all restrictions on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent and 2) the deposit will be replaced if viable samples cannot be dispensed by the depository. The NE-1-3 and NE-1-8 cell lines were both deposited on July 27, 2001 at the American Type Culture Collection (ATCC; 10801 University Blvd., Manassas, VA 20110-2209) under accession numbers PTA-3568 and PTA-3569, respectively.

In the event there are any outstanding issues which may be resolved through a telephone interview, the Examiner is requested to telephone the undersigned attorney at the phone number give below.

Respectfully submitted,
DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By



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DELIVER TO: Examiner Minh Tam B Davis
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FROM: Kathleen D. Rigaut, Ph.D., J.D.

Re: U.S. Patent Application No. 09/919,196
Response to Telephonic Interview

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